

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No.60/2024.**

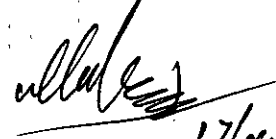
Ex-Constable Saeed ullah No.3867/5481 of CCP, Peshawar.....**Appellant.**

**VERSUS.**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

**I n d e x**

S.NO	DOCUMENTS	Annexure	PAGES
1	Reply		1-3
2	Authority		4
3	Affidavit		5
4	Charge Sheet	A	6-7
5	Statement of Allegations	B	8-9
6	Enquiry Report	C	10
7	Final Show Cause Notice	D	11
8	CPO Letter	E	12
9	Withdrawn order	F	13
10	De-novo Enquiry Report	G	14
11	FSCN	H	15

  
DSP/Legal, 17/04/24  
CCP, Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No.60/2024.**

Ex-Constable Saeed ullah No.3867/5481 of CCP, Peshawar.....Appellant.

**VERSUS.**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. Respondents.

**REPLY BY RESPONDENTS NO. 1, 2, &3.**

Respectfully Sheweth:-

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

**REPLY ON FACTS:-**

1. Pertains to record, hence needs no comments.
2. Incorrect. The appellant was appointed as Constable in the year 2004 in the respondent department. It is worth to mention here that appellant is not an efficient Police Officer, and a habitual absentee from his lawful duty.
3. Denied and misleading as Incorrect. The appellant while posted at Police Lines Peshawar absented himself from lawful duty w.e.f 08.01.2012 to 08.02.2012 and 10.02.2012 to 10.09.2012 total (08 months and 10 days) without taking permission or leave. Charge sheet and summary of allegations vide No. 101/PA/SP/HQrs: dated 14.02.2013 was issued to him. Enquiry was conducted in this regard by SDPO Faqirabad. After completion of enquiry, the charges against appellant were proved and the enquiry officer recommended him for major punishment. Therefore, the competent authority issued him Final Show Cause Notice which was duly served upon him. However, again he did not bother to make arrival or appear to defend himself. Therefore, he was awarded major punishment of removal from service under Police Disciplinary Rules 1975 vide OB No 3744 dated 12.10.2012.(Copy of Charge sheet, Statement of allegations, Enquiry report and FSCN annexed as A, B, C and D)
4. The appellant filed time-barred departmental appeal which was thoroughly processed and an ample opportunity of hearing was provided to him by the appellate authority but the appellant failed to defend himself with plausible/justifiable grounds. Hence, his appeal was rejected/filed on facts and limitation vide order No.276-81/PA dated 20.02.2014.
5. Correct to the extent of the Hon'ble Service Tribunal Judgment dated 26.07.2021 in Service Appeal No. 422/2014.

6. Correct to the extent that in compliance of this Hon'ble service Tribunal judgment the appellant was reinstated into service for the purpose of De-novo enquiry.
7. Pertains to record. However, the appellant was reinstated for purpose of de-novo enquiry, as already explain above.
8. Incorrect. In compliance of this Hon'ble Tribunal judgment the appellant was reinstated into service for the purpose of de-novo enquiry. After completion of de-novo enquiry, enquiry report was submitted before the Competent Authority i.e DIG IAB. After perusal of the enquiry and record available on file the competent authority did not agree with the findings of Enquiry Officer and directed to review the enquiry in accordance with law vide No. 740/CPO/IAB dated 10.05.2023. In the earlier disposal of De-novo enquiry vide No. 7645-57/PA, dated 17.04.2023 was withdrawn. In light of said directions enquiry was re-initiated vide order no. 9034-46/PA-SSP/Coordination dated 16.05.2023. After completion of such enquiry, the appellant was held guilty and thus, was dismissed from service as per law. (Copy of CPO Letter & withdrawn order is attached as E.F)
9. Correct to the extent that in the light of Internal Accountability Branch, De-novo Enquiry was re-initiated against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. After completion of enquiry proceedings he was issued Final Show Cause Notice vide No.47/PA dated 11.08.2023 to which he replied, but his reply was found unsatisfactory. Hence, after completion of all codal formalities he was awarded major punishment of dismissal from service vide order No. 14473-85/PA, dated 21.08.2023.( Copy of De-novo Enquiry report & FSCN are annexed as ~~E.F~~)
10. Correct to the extent that the appellant filed departmental appeal which was thoroughly processed and an ample opportunity of hearing was provided to the appellant by the appellate authority. However, the appellant failed to defend himself with plausible/justifiable grounds, hence his appeal was rejected/filed on facts.
11. That the appellant is a habitual absentee and thus was treated in accordance with law/rules. Therefore the instant appeal of the appellant, being devoid of merits and limitation, may be dismissed on the following grounds;

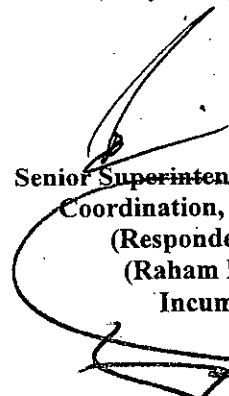
**REPLY ON GROUNDS:-**


- A. Incorrect. The appellant was dealt with in accordance with law/rules. After completion of all codal formalities the charges of willful absence were proved against him hence, he was awarded major punishment.
- B. Incorrect. The appellant was issued Charge Sheet with Summary of Allegations was also served upon him and no violation of rule 6,A(1) of Police Rules 1975 was committed by the replying respondent.
- C. Incorrect. Detailed departmental enquiry was conducted against him in accordance with law/rules. Enquiry officer after thorough probe into the matter reported that the charges against the appellant were proved. The appellant was provided full opportunity of defense to prove his innocence. However, he failed to rebut the charges, hence, he was rightly awarded the major punishment by the competent authority under the Rules.

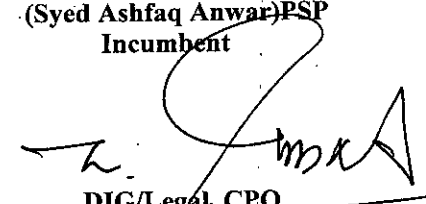
- D. Denied as incorrect. The appellant was provided full opportunity of personal hearing, but the appellant failed to rebut the charges.
- E. Incorrect. The appellant was treated as per law/rules and he was provided every opportunity of self-defense.
- F. Incorrect. As per direction of this Hon'ble Service Tribunal judgment, proper de-novo proceedings were conducted against him in accordance with law/rules. During the course of De-novo enquiry, the appellant failed to rebut the charges. The enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges.
- G. Incorrect. After completion of de-novo proceedings, major punishment of dismissal was imposed and thus, no question of double jeopardy is raised.
- H. Incorrect. In compliance of this Hon'ble Tribunal judgment, de-novo enquiry once was conducted. However, the competent authority did not agree with the punishment awarded to the appellant in the wake of such enquiry. Therefore, de-novo proceedings were again initiated against the appellant and resultantly, he was awarded major punishment of dismissal from service as per law/rules. No violation of Constitution of Pakistan has been committed by the respondents.
- I. Respondents may also be allowed to raise additional grounds at the time of arguments before this Hon'ble Tribunal.

**PRAYERS:-**

Keeping in view the above stated facts & reasons it is, most humbly prayed that the appeal of the appellant being devoid of merits and limitation, may kindly be dismissed with costs please.

  
Senior Superintendent of Police,  
Coordination, Peshawar.  
(Respondent No.3)  
(Raham Hussain)  
Incumbent

  
~~Capital City Police Officer,~~  
Peshawar.  
(Respondent No.2)  
(Syed Ashfaq Anwar)PSP  
Incumbent

  
DIG/Legal, CPO  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.1)  
Dr. Muhammad Akhtar Abbas(PSP)  
Incumbent

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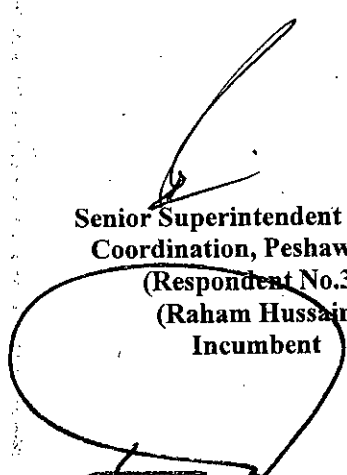
Ex-Constable Saeed-ullah No.3867/5481 of CCP, Peshawar.....Appellant.

**VERSUS.**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. Respondents.

**AUTHORITY.**

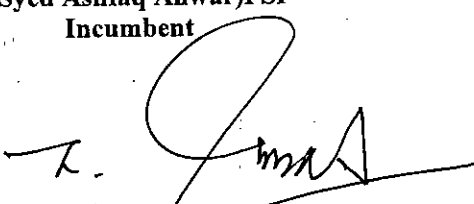
We respondents are hereby authorize Mr.Inam Ullah DSP legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.


  
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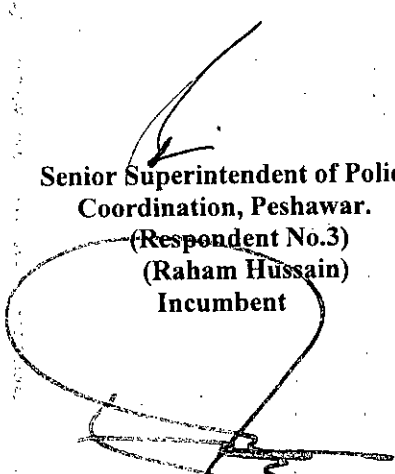
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**AFFIDAVIT.**

We respondents are do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of my knowledge and belief and nothing has concealed/kept secret from this Hon'ble Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense have been struck off.

  
**Senior Superintendent of Police,  
Coordination, Peshawar.  
(Respondent No.3)  
(Raham Hussain)  
Incumbent**

  
**Capital City Police Officer,  
Peshawar.  
(Respondent No.2)  
(Syed Ashfaq Anwar)PSP  
Incumbent**

**DE NOVO PROCEEDINGS**

**CHARGE SHEET**

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against **Ex-Constable Saeed Ullah No. 3867** of CCP, Peshawar.

And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I Senior Superintendent of Police, Coordination, Peshawar hereby charge you FC Saeed Ullah No. 3867 of CCP Peshawar on the following allegations that:

"You Constable Saeed Ullah No. 3867 while posted in Police Lines, Peshawar absented yourself from the duty w.e.f **08.01.2012 to 08.02.2012 and 10.02.2012 to 19.09.2012 (08 months & 09 days)** without taking any leave or permission. This amounts to gross misconduct on your part and is against the discipline of the force"

I Senior Superintendent of Police, Coordination, Peshawar hereby direct you further under Rule 6 (I) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why the action should not be taken against you and also stated at the same time whether you desire to be heard in person.

In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

  
**SENIOR SUPERINTENDENT OF POLICE  
(COORDINATION) PESHAWAR**

**DISCIPLINARY ACTION**

13

Superintendent of Police, Headquarters, Capital City Police Peshawar as a  
authority, am of the opinion that Constable Said Ullah No.3867 has rendered  
able to be proceeded against under Section-3 of NWFP, Removal from Service  
(Power) Ordinance 2000.

**STATEMENT OF ALLEGATION**

"That Constable Said Ullah No.3867 while posted at Police Lines, Peshawar absented  
himself from duty w.e.f. 08.01.2012 till date without taking permission or leave. This  
amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to  
the above allegations an enquiry is ordered and SDPO/ Fazis Abad is  
appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance,  
provide reasonable opportunity of hearing to the accused officer, record his finding within 30  
days of the receipt of this order, make recommendations as to punishment or other  
appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the  
Enquiry Officer.

*[Signature]*  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

8/1/12

Call Constable

O.S.P. Peshawar Circle  
No. 101

/E/PA, dated Peshawar the 14/02 /2012

1. SDPO/ Fazis Abad is directed to finalize the  
aforementioned departmental proceeding within stipulated period under the Rule.
2. Official concerned



**DE NOVO PROCEEDINGS**

**DISCIPLINARY ACTION**

I, Senior Superintendent of Police Coordination, Peshawar as competent authority, am of the opinion that FC Saeed Ullah No. 3867 while posted in Police Lines, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

**STATEMENT OF ALLEGATIONS**

"You Constable Saeed Ullah No. 3867 while posted in Police Lines, Peshawar absented yourself from the duty w.e.f **08.01.2012 to 08.02.2012 and 10.02.2012 to 19.09.2012 (08 months & 09 days)** without taking any leave or permission. This amounts to gross misconduct on his part and is against the discipline of the force"

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations **DSP Headquarters** is appointed as Enquiry Officer under of Police Rules 1975.

The Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

**SENIOR SUPERINTENDENT OF POLICE  
(COORDINATION), PESHAWAR**

No. 33 E/PA, dated Peshawar the 27 / 04 / 2022.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

ایک ہی کاپی انتظامی و سول سروس  
29/4/2022

✓ 12

(12)

ENQUIRY REPORT

Kindly refer to your office No.101/PA SP/HQ,dated 14/02/2012 on the subject cited above.

It is a departmental enquiry against constable Said Ullah No.3867 posted at Police line Peshawar absented himself from duty w.e.f 08-1-2012 to till date without taking any information of his senior. His act is highly objectionable and amounts to gross misconduct. The alleged Constable was put to disciplinary proceeding by the worthy SP HQ. The undersigned was appointed as enquiry officer to initiate departmental proceeding against the alleged constable with reference to the above mentioned allegation.

In order to scrutinize the conduct of the alleged constable called through a parwana letter No.723 dated 28-2-2012 and No.858 dated 09-03-2012 but he does appear before the undersigned for enquiry. lastly the moharrar police line produced a DD report No.16 dated 10-02-2012 that the above name constable was continuously absent.

From foregoing circumstances its means that the above name constable is habitual absentee. *amir*

Hence Keeping in view the above mentioned circumstances, the undersigned suggested that exparte decision may be taken against constable..

(Abdul Saboor Khan)  
Deputy Superintendent of Police  
Faqirabad Circle Peshawar.

*06/4/2012*

W/SP HEADQUARTERS  
NO 08 /E-ST

*al 09*

Dated *06/4/2012*

*issue final  
show counter notice*

*amir*  
Superintendent of Police HQs  
Capital City Peshawar  
*07/4/12*

**FINAL SHOW CAUSE NOTICE**

I Superintendent of Police, Headquarters, Capital City Police, Peshawar as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve you Constable Said Ullah No.3867 of Capital City Police, Peshawar as follows.

1 (i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(ii) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in Police Disciplinary Rules 1975 of the said Ordinance.

"That you Constable Said Ullah No.3867 while posted at Police Lines, Peshawar was absent from 08.01.2012 till date without taking permission or leave. This act amounts to gross misconduct on your part and against the discipline of the force"

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parate action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 101 /PA, SP/HQrs: dated Peshawar the 7-4- /2012.

Copy to official concerned





Office of the  
Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar.

No. 740 /CPO/IAB dated Peshawar the 16/05/2023

To: ✓ The Senior Superintendent of Police,  
Coordination,  
Capital City Police, Peshawar.

Subject: DENOVO ENQUIRY AGAINST EX-CONSTABLE SAEED  
ULLAH NO.3867

Memo:

1. Please refer your office order No. 7645-57/PA dated 17.04.2023.
2. Pursuant to the directions of honorable Khyber Pakhtunkhwa Service Tribunal, Mr. Waseem Ahmad Khalil (the then SSP/Coordination) was nominated by name vide this office letter No. 2470/CPO/IAB dated 29.09.2021 to conduct denovo departmental enquiry against Ex-Constable Saeed Ullah No. 3867 and further directed to submit his findings before issuance of formal order.
3. Findings of the enquiry was required to be submitted to this office, but after lapse of 07 months, your office communicated final order vide No. 7645-57/PA-SSP/Coordination dated 17.04.2023 in which the delinquent constable was awarded minor punishment of increment for a period of 02 years without cumulative effect.
4. On perusal of the said order, it came to light that the subject enquiry was conducted by DSP/HQrs: CCP, Peshawar instead of SSP/Coordination personally and neither sent the findings of the enquiry to this office before issuance of final order.
5. The Competent Authority did not agree with the findings of DSP/HQrs, CCP, Peshawar and directed to review the enquiry and submit findings before issuance of formal order.
6. It is, therefore, directed to review the enquiry, personally and submit findings before issuance of formal order.

(MUHAMMAD SULEMAN) PSP  
Deputy Inspector General of Police  
Internal Accountability Branch  
Khyber Pakhtunkhwa  
Peshawar

No & Date even

Copy of above is forwarded for information to PSO to Worthy IGP Khyber  
Pakhtunkhwa, Peshawar.



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

Phone No. 091-9213757

**ORDER**

Disposal of de-novo enquiry proceedings vide this office order Endt: No. 7645-57/PA-SSP/Coord: dated 17.04.2023 regarding FC Saeed Ullah No. 3867/5481 of CCP Peshawar is hereby withdrawn as per kind directions of the DIG Internal Accountability Khyber Pakhtunkhwa Peshawar vide his office No. 740/CPO/IAB dated 10.05.2023.

Therefore, DSP Headquarters CCP Peshawar is hereby appointed as E.O to review the de-novo proceedings and to submit finding report at the earliest.

*Ayesha Gul*  
(Ayesha Gul) PSP  
SSP COORDINATION  
FOR CAPITAL CITY POLICE OFFICER  
PESHAWAR

No. 9034-46 /PA-SSP/Coordination dated Peshawar the 16 / 05 /2023

Copy to:

1. The Worthy Capital City Police Officer, Peshawar.
2. The DIG, Internal Accountability Branch, Khyber Pakhtunkhwa w/r to his office Memo: No. 740/CPO/IAB dated 10.05.2023.
3. The AIG Legal, CPO Khyber Pakhtunkhwa, Peshawar w/r to his office Memo: No. 7186/Legal dated 02.09.2021.
4. The SSP Operations, CCP Peshawar
5. SsP Headquarters, & Legal CCP Peshawar.
6. DSP Headquarters with complete Enquiry file (to review the enquiry findings as per directions of CPO).
7. AD IT, OS to CCPO Peshawar, Pay Officer, CRC, OASI & FMC.

*cll*

92  
Peshawar.

Information to PSO to Worthy IGP Khyber



**OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE**  
**HQrs: CCP Peshawar**

**DEPARTMENT OF POLICE**

No. 2229 /PA, dated

on the 01/06/2023

To: The Senior Superintendent of Police,  
Coordination Peshawar.

Subject: - **DE-NOVO ENQUIRY REPORT AGAINST THE FC SAEED ULLAH NO.3867/5481.**

Memo:

Reference to this office letter No. 1413/PA, dated 17.03.2023 & your good office order No. 9034-46/PA-SSP/Coordination, dated 16.05.2023 with regard to subject above.

As per your kind direction to review the de-novo proceedings and to submit finding report at the earliest. The relevant file has been thoroughly been reviewed, findings in the instant enquiry are as under: -

**PROCEEDINGS**

To re-inquire the matter, the undersigned called the alleged official heard in person and re-scrutinized the documents.

**STATEMENT OF ALLEGED OFFICIAL**

He supported his previous statement which is already enclosed with enquiry file.

**FINDINGS/RECOMMENDATION:-**

After re-going through the enquiry file, statement of alleged FC/Saeed Ullah No.3867/5481 and re-hearing the alleged official and other material placed on enquiry file it has been came to light that the alleged official remained absented from his lawful duty for 08 months and 09 days without obtained any leave or prior permission from high-ups.

The medical certificate was examined & doubtful medical certificates was sent to Medical Superintendent, LRH authorities vide this office letter No. 1198/PA, dated 06.05.2022. (copy of the said attached), in response LRH authorities intimated that **documents of constable Syed ullah regarding his illness was duly verified and found correct** vide letter No. 6243/LRH/MTI, dated 25.05.2022. (Letter attached).

As the response letter seems dubious, another correspondence alongwith relevant medical record were attempted to Medical Superintendent, LRH, Peshawar vide this office letter No. 09, dated 02.01.2023, In response LRH authorities intimated that **the HoD Medicine Dr. Atta Muhammad Khan, he was not part of medicine department LRH/MTI, in the mentioned dates with reference to the medical rest. It is an old case of year 2012 and the said medical rest cannot be verified** received vide letter No. 7496, dated 13.03.2023. (letter attached). The LRH authorities also time and again contacted telephonically for verification but no fruitful result seen so far. A final attempt was made vide this office letter No. 2079/PA, dated 17.05.2023 to Director LRH for verification of his letters and documents.

He replied **the undersigned acknowledges and endorses the letter issued vide No. 7496, dated 13.03.2023 as correct and Genuine. However the other letter with reference No. 6243/LRH/MTI, dated 25.05.2022 is fake/bogus** vide his office letter No. 2102/HD/LRH-MTI, dated 23.05.2023. (Letter Attached)

Keeping in view of above, as the medical documents of the delinquent official could not verified due to an old case of 2012, and earlier reply from LRH authorities found fake/bogus therefore, FC/Saeed Ullah No. 3867 is found guilty, and recommended for appropriate punishment, please.

Dy: Superintendent of Police  
HQrs: CCP Peshawar.

PA  
For n/a  
SSP  
01.06.2023



OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE  
COORDINATION, CCP/PESHAWAR  
Phone No. 091-9213757

**FINAL SHOW CAUSE NOTICE**  
**(Under Police Disciplinary Rules, 1975)**

1. I, Mir Faraz Khan, Senior Superintendent of Police, Coordination CCP Peshawar as competent authority, under the Police Disciplinary Rules 1975, do hereby serve you FC Saeed Ullah No. 3867/5481 Estate as follows: -
2. (i) That consequent upon completion of the de-novo departmental enquiry conducted against you by DSP Headquarters (E.O) who found you guilty of the charges for which you were given opportunity of personal hearing;
- (ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officer; I am satisfied that you have committed the following misconducts;  

“You Constable Saeed Ullah No. 3867 while posted in Police Lines, Peshawar absented yourself from the duty w.e.f 08.01.2012 to 08.02.2012 and 10.02.2012 to 19.09.2012 (08 months & 09 days) without taking any leave or permission”
3. As a result, thereof I, Mir Faraz Khan, Senior Superintendent of Police, Coordination CCP Peshawar as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are therefore, required to Final Show Cause Notice as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice is received within 7-days of its delivery, it shall be presumed that you have no defense to put in and, in that case, an ex-parte action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.

*done,*  
*\$*  
*11/8/23*

*Mir Faraz Khan*  
Mir Faraz Khan (PSP)  
Senior Superintendent of Police  
Coordination Peshawar

No 47 /PA-SSP-Coord, Dated Peshawar the 11/08/2023